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OFFICE OF PETITIONS

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NEW YORK NY 10036-8704

In re
Application No. 10/551,667
Filed: July 18, 2006
Patent No. 7,781,414
Issued: August 24, 2010
Docket No. 104825-0017-101

: DECISION ON REQUEST FOR
: RECONSIDERATION OF PATENT
: TERM ADJUSTMENT AND NOTICE
: OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION
:

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT", filed September 30, 2010, requesting that the patent term adjustment indicated on the above-identified patent be corrected from three hundred seventy-eight (378) days to three hundred ninety (390) days.

The application for patent term adjustment is **GRANTED** to the extent indicated.

On August 24, 2010, the instant application matured into U.S. Patent No. 7,781,414 with a patent term adjustment of three hundred seventy-eight (378) days. The Office determined a patent term adjustment of 378 days based on an adjustment for PTO delay of one (1) day pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), one hundred sixteen (116) days pursuant to 35 U.S.C. 154(b)(1)(A)(iv) and 37 C.F.R. 1.703(a)(6), and six hundred ninety (690) days pursuant to 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.703(b), reduced by thirty-four (34), ninety-one (91), ninety-two (92) days of applicant delay pursuant to 37 C.F.R. § 1.704(b), and ninety-six (96) days pursuant to 37 C.F.R. 1.704(c)(8).

Patentees are incorrect that the proper amount of days over 36 months from the filing date of the application until the issue date was not included in the "B" delay period. Since October 1, 2005 was a Saturday, commencement began on October 3, 2005, the next business day in accordance with PCT Rule 80.5. (Accordingly, the over three year period began on October 4, 2008 and

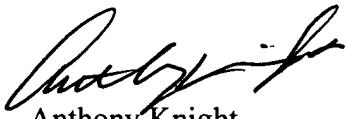
ended on August 24, 2010 (the patent issue date), and is 690 days. See 35 U.S.C. 154(b)(1)(B)(i). Therefore, the "B" delay period is 690 days.

In addition, Patentees point out that the Office incorrectly entered a PTA adjustment of 96 days for additional applicant delay with the mailing of an earlier decision on patent term adjustment on July 19, 2010. Patentees correctly point out that the adjustment should have been made for 86 additional days of applicant delay, not 96 days.

In view thereof, the correct number of days of patent term adjustment is 388 days (117 days of "A" delay and 690 days of "B" delay, reduced by 116 days of overlap and 303 days of Applicant delay).

The application is being forwarded to the Certificate of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **three hundred eighty-eight (388) days**.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,781,414 B2

DATED : August 24, 2010

INVENTOR(S) : Lu et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 378 days.

Delete the phrase "by 378 days" and insert – by 388 days--